REMARKS

This is in response to the final Office Action mailed August 15, 2007. This response is accompanied by the filing of an RCE.

In the Office Action, Applicant's Claim 28 was rejected as anticipated by U.S. Pat. No. 6,459,388 ("Baron"). Applicant's Claims 1-7, 9, 12-15, 18, 28-22, 29-35, 37, 40-43, 46-50, 52-58, 60, 63-66 and 69-73 were rejected as obvious over the combination of U.S. Pat. No. 6,950,198 ("Berarducci") and U.S. Pat. No. 6,914,626 ("Squibbs"). Applicant's Claims 8, 36 and 59 were rejected as obvious over the combination of Berarducci, Squibbs, and U.S. Pat. No. 6,977,679 ("Tretter"). Applicant's Claims 10, 38 and 61 were rejected as obvious over the combination of Berarducci, Squibbs, and U.S. Pat. No. 7,100,190 ("Johnson"). Applicant's Claims 11, 39 and 62 were rejected as obvious over the combination of Berarducci, Squibbs, and U.S. Pat. No. 6,965,828 ("Pollard"). Applicant's Claims 16, 17, 23, 44, 45, 51, 67, 68 and 74 were rejected as obvious over the combination of Berarducci, Squibbs, and U.S. Pat. No. 7,135,994 ("Kamikawa").

This response addresses all the issues in the final Office Action dated August 15, 2007. Reconsideration of the present application is respectfully requested.

I.   Rejection of Claim 28 as anticipated by Baron

As stated above, the Office Action included a rejection of Applicant's Claim 28 as anticipated by Baron (U.S. Pat. No. 6,459,388). Baron discloses a system 100 that provides users with information about nearby sites. The Baron system 100 is incorporated in or used with another device, such as a camera. According to Baron, the system 100 uses a database 300 to provide information, such as guidance to a photo-spot, for capturing a preferred view of a site for purposes of picture-taking (Baron: column 7, lines 54-58). Further according to Baron, the database 300 can be used to provide other types of information, such as imaging data, tour-guide information, route and map information, and weather information (Baron: column 6, line 33-column 7, line 5). Baron shows (in FIG. 3) that the following kinds of information are contained in the database

300: SITE INFORMATION, including LOCATION, DESCRIPTION, DIRECTIONS, IMAGES including POSITIONAL INFO, CONDITIONS INFO, CLOSEST MATCH BASED ON WEATHER AND REALTIME INFO, DIRECTIONS including ROUTE and MAP, WEATHER, IMAGING including OPTIMAL EXPOSURE DATA, TIME OF DAY, TIME OF YEAR, WEATHER, CAMERA, and TOUR GUIDE VIDEO.

Applicant's independent Claim 28 relates to a method that enables users to take photographs of places of interest, based on selection of a *"user-selected subject matter category."* Applicant's Claim 28 recites the steps of: *"storing data in a computing system to indicate a user-selected subject matter category"*, *"using a geographic database to compare locations of the user to locations where a photo can be taken of an object corresponding to the user-selected subject matter category"*, and then *"informing the user when the user is in proximity to one of the locations where a photo can be taken of an object corresponding to the user-selected subject matter category"* (emphasis added).

There are three limitations of Applicant's Claim 28 that Baron does not disclose. First, Baron does not disclose the step of *"storing data in a computing system to indicate a user-selected subject matter category."* Baron has no disclosure about the system 100 allowing a user to indicate a *"subject matter category."* Next, Baron fails to disclose the step of *"using a geographic database to compare locations of the user to locations where a photo can be taken of an object corresponding to the user-selected subject matter category."* Although Baron discloses a database 300 that has certain types of information (as explained above), the Baron database 300 does not have *"subject matter category"* information and therefore cannot be used *"to compare locations of the user to locations where a photo can be taken of an object corresponding to the user-selected subject matter category"* Lastly, Baron does not disclose the step of *"informing the user when the user is in proximity to one of the locations where a photo can be taken of an object corresponding to the user-selected subject matter category."* Because the Baron database 300 does not have *"subject matter category"* information, it cannot be used for *"informing the user when the user is in proximity to one of the locations where a photo can be taken of an object corresponding to the user-selected subject matter category."*

Because Baron fails to disclose any of these three limitations, Baron does not anticipate Applicant's Claim 28. Therefore, Applicant respectfully requests that the rejection of Claim 28 be withdrawn.

II. Rejection of Applicant's independent Claims 1, 29 and 52 as obvious over the combination of Berarducci and Squibbs

In the Office Action, Applicant's independent Claims 1, 29 and 52 were rejected as obvious over the combination of Berarducci and Squibbs. Applicant submits that these claims are not obvious for the reasons explained below.

A. Applicant's Claim 1

Applicant's independent Claim 1 relates to a method of storing *"digital photographs"* in the form of *"data files"* in a *"data repository"* located on a *"network."* When each *"digital photograph"* is stored in the *"data repository"*, it is associated with *"data that indicate a physical location."* A *"search function"* is provided over the *"network"* so that users can *"search by proximity to a street address"* for *"digital photographs stored by other users."* According to Claim 1, the *"search function"* uses a *"geographic database"* to identify *"digital photographs in proximity to the specified street address"* thereby allowing *"users"* to select and receive *"copies"* of the *"digital photographs."*

Applicant's Claim 1 is not obvious over the combination of Berarducci and Squibbs because these references, even if combined, fail to show all the limitations of the claim. Berarducci discloses an online photo sharing service, but does not disclose associating the photos with data that identifies a location. Squibbs discloses a camera with a GPS unit that allows photos to be stored with data that indicates where the photo was taken. Squibbs discloses that locations where photos were taken in a geographic area can be indicated on a map of the area shown on a computer display (Squibbs: FIG. 6). However, Squibbs does not disclose that users can search by *"street address"* for photos stored by others. Therefore, even if Berarducci and Squibbs were combined, the resultant combination would still fail to disclose a *"search function . . . that enables users to search by proximity to a street address for digital photographs stored by other users"*, as

recited in Applicant's Claim 1. Therefore, Applicant's Claim 1 is not obvious over the combination of Berarducci and Squibbs.

B.   Applicant's Claim 29

Applicant's independent Claim 29 relates to a *"method of storing photographs"* and recites *"providing a data repository on a network . . . wherein data received from a user indicating the physical location associated with a digital photograph is transformed into an alternative format."*

The Response to Arguments at page 3 in the final <u>Office Action</u> included the following remark:

> Squibbs in column 4 discloses a semantic location which is data received from a user that indicates the physical location associated with the digital photograph. The semantic location data, which represents a user-meaningful location description (e.g. Eiffel Tower) is transformed into an alternative format by associating the semantic location of the image with the actual location coordinate data of the image through the data structure shown in figure 4.

Applicant submits that one of ordinary skill would <u>not</u> consider Squibbs' disclosure about associating user-provided Semantic Location information with a Location Coordinates field to be similar to transforming position data received from a user into an alternative format. "Transforming" requires starting with an item (in this case position data) in one form and then performing a process *using that original item* to provide a result (in this case position data in an alternative format). In Squibbs, the Semantic Location information is provided by the user <u>*separate and apart*</u> from the Location Coordinate data. In fact, it is unlikely that the user would even use the Location Coordinate information in any way whatsoever when providing the Semantic Location information. For example, would a user refer to the Location Coordinate data of the Eiffel Tower (48° 51' 29" North, 2° 17' 40" East) in order to develop the Semantic Location information? Applicant submits that is unlikely that the Location Coordinate information would be meaningful at all to the user. Accordingly, because Squibbs does not disclose using the Location Coordinate information as a starting point item for developing the Semantic Location information, Applicant submits that Squibbs fails to

disclose the feature *"wherein data received from a user indicating the physical location associated with a digital photograph is transformed into an alternative format"*, as recited in Applicant's Claim 29.[1]

In the Response to Arguments at page 3 in the final <u>Office Action</u>, it was also remarked that another alternative format of the location data is the map shown in FIG. 6 of Squibbs, which transforms the numerical coordinate format of the location into a map based format of the location data. Applicant submits that the map in FIG. 6 of Squibbs may likely be expressed using geographic coordinates so that no transformation of the Location Coordinate information would be necessary or take place.

For the reasons explained above, Applicant's Claim 29 is not obvious over the combination of Berarducci and Squibbs.

C.   <u>Applicant's Claim 52</u>

Applicant's independent Claim 52 relates to a *"method of storing photographs"* and recites *"receiving digital photographs and locations to be associated therewith from the users over the network"* and *"geocoding the locations."*

In the Response to Arguments at page 4 in the final <u>Office Action</u>, it was acknowledged that Squibbs does not use the phrase *"geocoding."* However, in the final <u>Office Action</u>, it was asserted that Squibbs presumably performs geocoding by obtaining location data from GPS satellites as shown in the drawing and discussed in the specification at column 3:

> FIG. 3 depicts a photo system in which a digital camera 3 provided with location determining means (such as a GPS receiver) is used to generate digital photos 4, each photo (also referred to as "image data") 4 being stamped with location data indicating where the photo was taken.

This passage from Squibbs clearly does not describe geocoding. In this passage, Squibbs describes no more than the process of stamping geographic coordinates on an image. Geocoding is a process wherein geographic coordinates are related to named addresses (or other map features). Squibbs does not disclose use of a database having

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[1] Applicant has amended Claim 29 to clarify that the transformation is performed by a process associated with the *"data repository"* and not the user.

this capability and therefore, Applicant submits that Squibbs does not perform this function. For this reason, Applicant's Claim 52 is not obvious over the combination of Berarducci and Squibbs.

III.   Rejection of Applicant's Claims 2-23, 30-51 and 53-74

Applicant's Claims 2-23 are dependent claims that depend directly from independent base Claim 1, Claims 30-51 are dependent claims that depend directly from independent base Claim 29 and Claims 53-74 are dependent claims that depend directly from independent base Claim 52. In the final Office Action, these dependent claims were rejected as obvious over the combination of Berarducci and Squibbs, further combined with either Tretter, Johnson, Pollard or Kamikawa. As explained above in connection with Claims 1, 29 and 52, even if Berarducci and Squibbs were combined, the resultant combination would fail to disclose all the claim limitations. Tretter, Johnson, Pollard and Kamikawa all fail to disclose the missing limitations of the respective base claims. Accordingly, all the limitations of Applicant's dependent Claims 2-23, 30-51 and 53-74 are not disclosed by the combinations of Berarducci, Squibbs and either Tretter, Johnson, Pollard or Kamikawa. Therefore, these dependent claims are not obvious over these combinations of references.

IV.   New Claims 75-78

Included with this response are four new dependent claims. Applicant's new Claim 75 depends from Claim 1 and adds the step of *"geocoding the specified street address."* Support for Claim 75 may be found in Applicant's specification at page 7, line 3 through page 9, line 3, as well as elsewhere in the specification. Applicant's new Claims 76-78 are dependent claims that depend from independent Claim 28. New dependent Claim 76 states that the *"subject matter category"* recited in Claim 28 includes *"natural sites."* New dependent Claim 77 states that the *"subject matter category"* recited in Claim 28 includes *"scenic sites."* New dependent Claim 78 states that the *"subject matter category"* recited in Claim 28 includes *"historical sites."*

Support for new Claims 76-78 claims may be found in Applicant's specification at page 14, lines 12-15, as well as elsewhere in the specification. No new matter has been added.
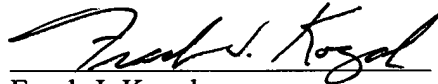
V.   Extension of Time

Accompanying this response is a petition for a three month extension of time and authorization to charge Applicant's deposit account for the fee associated therewith.

VI.   Conclusion

Applicant has addressed the issues presented in the final Office Action dated August 15, 2007. Applicant submits that the present application is in condition for allowance. The Examiner is invited to call the undersigned if any matter remains to be resolved.

Respectfully submitted,

Frank J. Kozak
Reg. No. 32,908
Chief Intellectual Property Counsel

NAVTEQ North America, LLC
425 West Randolph Street
Chicago, Illinois 60606
(312) 894-7000 x7371